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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

8 JONATHAN BROWNING, INC., No. C-07-3983 JSW (EMC)  
9 Plaintiff,

10 v.

11 VENETIAN CASINO RESORT, *et al.*,  
12 Defendants.

**ORDER RE JOINT LETTER OF  
OCTOBER 20, 2008**

15 On October 20, 2008, the parties filed a joint letter regarding a discovery dispute. See  
16 Docket No. 113. Having reviewed the joint letter, the Court hereby rules as follows.

17 As a general matter, the Court agrees with Defendants that the scope of discovery in this case  
18 is defined by the allegations in the complaint, and the complaint alleges infringement with respect to  
19 the Venetian and not the Palazzo. However, Browning contends that the same fixtures were used in  
20 both the Venetian and the Palazzo. If there are documents in Defendants' possession, custody, or  
21 control that explicitly refer to Browning or its designs -- even if in the context of the Palazzo rather  
22 than the Venetian -- they are discoverable as they may shed light on possible admissions and  
23 Defendants' knowledge and state of mind.

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1 Accordingly, the Court shall not authorize broad discovery into any alleged infringement in  
2 the Palazzo but shall order Defendants to produce documents that explicitly refer to Browning or its  
3 designs, even if the documents are related to the Palazzo instead of the Venetian.

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5 IT IS SO ORDERED.

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7 Dated: October 21, 2008

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9 EDWARD M. CHEN  
10 United States Magistrate Judge

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